



PUBLIC NOTICE

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA
Brenda K. Argoe, Clerk of Court
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TO: Practitioners/Constituents

SUBJECT: Case Assignment, Columbia Chapter 13 Confirmation Hearings,
Columbia Chapter 13 Motions for Relief from Stay, Chapter 13 "P"
Orders and "C" Orders, Changes to "Passive" Notice List

DATE: August 15, 2000

Operating Order 00-03 Filed July 17, 2000 - Assignment of Cases Effective September 1, 2000

- Operating Order 00-03 sets forth the assignment of all bankruptcy cases *filed* on or after September 1, 2000.
- The operating order is posted on the court's Internet web site: www.scb.uscourts.gov.

Re-assignment of Pending Bankruptcy Cases which were originally assigned to the Honorable J. Bratton Davis, effective October 1, 2000

- Columbia Chapter 13 cases - A case ending with an odd number (i.e., 99-06321) will be assigned to the Honorable Wm. Thurmond Bishop and those ending with an even number (i.e., 99-06322) will be assigned to the Honorable John E. Waites.
- Columbia Chapter 7, Chapter 11 and Chapter 12 cases will be equally divided between the Honorable Wm. Thurmond Bishop and the Honorable John E. Waites. (**Note:** Parties should access PACER (Public Access to Court Electronic Records) or VCIS (Voice Case Information System) for the judge assignment of these cases after October 1, 2000).

Columbia Chapter 13 Confirmation Hearings

- Confirmation hearings for Columbia Chapter 13 cases will continue to be scheduled and heard on Wednesdays (absent other conflicts). Judge Bishop and Judge Waites will alternate the weeks and court will be scheduled from 9:00 AM to 11:30 AM. There will be no afternoon chapter 13 hearings routinely scheduled.
- If time permits, Chapter 13 miscellaneous matters (for example: petitions to dismiss by trustee and passive notice items) should be scheduled at the same date and time as the confirmation hearing barring emergencies or deadline conflicts. Further, multiple hearings in the same case should be scheduled simultaneously.
- Refer to Clerk's Instruction: Motions on Passive Notice - CI-9014-2.
- Access the court's Internet web site at www.scb.uscourts.gov for Judges' court calendars and Passive Notice calendars.

Columbia Chapter 13 Motions for Relief from Stay (§362 motions)

- The hearing shall be scheduled before the judge to whom the case is assigned, absent an emergency or a conflict. To determine the judge assigned to the case, access PACER or VCIS.
- Section 362 motions should be scheduled for the same date and time as the confirmation hearing. If the confirmation hearing has already been held or the date of the confirmation hearing is beyond the 30-day period specified in §362(e), and the moving party is unable to waive the 30-day period, a date within the 30-days should be selected.
- Refer to Clerk's Instruction: Proceedings to Modify Stay (CI-4001-1).
- Access the court's Internet web site at www.scb.uscourts.gov for § 362 Motion calendars.

Chapter 13 "P" Orders and "C" Orders

○ These orders have been revised and will be available on the court's Internet web site at www.scb.uscourts.gov and on the public PC at the Intake Division of the clerk's office.

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"Passive" Notice List

○ Local Official Form 9014-2(b) to SC LBR 9014-2 has been amended effective October 1, 2000, as follows:

- (1) Item 25. Motions to Incur Debt (Chapter 13 Cases) will apply to all judges.
- (2) Item 28. Motions to Dismiss by Chapter 13 Trustee for Debtor's Failure to Make Plan Payments will be added.¹

○ Item 14. There should be ***no*** asterisk (*) after Item 14 (Notice of Agreement regarding modification of automatic stay, cash collateral, adequate protection, or obtaining credit pursuant to FRBP (4001(d) (SC LBR 4001-1). The asterisk refers you to Clerk's Instruction 9014-2, which applies to passive notices generally; however, there is a separate Local Rule (4001-4) and Official Form (4001-4) which are to be used for agreements relating to the stay, cash collateral, adequate protection, or obtaining credit.

¹ The proposed order is not required to be served on all creditors by the trustee.